



WEB COPY

WP No. 8775 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 8775 of 2017

and

W.M.P.No.9617 of 2017

K.Dakshinamoorthy
S/o. G.Krishnan,
Packer (Terminated from service),
No.91/38, 4th Street, K.C.Gardan,
Peravallur, Chennai-600 082.
Tondiarpet, Chennai-81.

..Petitioner

Vs

1.The Principal Secretary to
Government, Co-operation, Food and Consumer
Department, Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Secretary to Government
Co-operation, Food and Consumer Department,
Government of Tamil Nadu, Secretariat,
Chennai-600 009.

3.The Additional Registrar of
Co-operative Societies, Chennai Region, Chennai.

4.The Washermenpet Co-operative Stores Ltd,
XNC-589, Rep. by its Special Officer,
No.91/2, P.A.N.Rajarathinam Road,
Chennai-600 21.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders (i) rejection of Review Petition in Letter



No.17161/CA-1/2016-1 dated 23.12.2016 on the file of the 1st respondent; (ii) dismissal of Revision Petition in G.O.(D) No.73, Co-operation, Food and Consumer Protection (CA1) Department, dated 01.04.2013 on the file of the 2nd respondent; (iii) dismissal of Appeal in Na.Ka.5090/2009/E2 dated 17.5.2010 on the file of the 3rd respondent and (iv) the order of Termination of service made on 26.5.2009 by the 4th respondent and quash all the impugned orders; consequentially direct the respondents to reinstate the petitioner into service with all attended benefits and continuity of service within a reasonable time to be fixed by this Court..

For Petitioner(s): Mr.V.Surya Narayana Reddy

For Respondent(s): Mr.M.Muthusamy, Govt. Advocate for RR-1 to 3
Mr.L.P.Shanmugasundaram For R4

ORDER

The present Writ Petition is filed by the petitioner who was employed as a Packer in the year 1986 with the third respondent. While so working, an allegation was made against him that he had given the Kerosene to the non-card holders and therefore, charges were framed against him by the fourth respondent and the charges stood proved. Hence, the writ petitioner filed an appeal before the third respondent, who had dismissed the appeal, confirming the order passed by the original authority and thereafter, the petitioner filed a Revision Petition before the Government/first respondent, where the order passed by respondents 3 and 4 were confirmed and he was terminated from service.



2. Learned counsel for the petitioner submitted that originally, charges were framed against six persons and out of six persons, in the revision petition filed before the Government, the Government, by taking into consideration the length of service of the other 4 persons, had modified the punishment of termination from service into one of compulsory retirement.

3. Learned counsel for the petitioner further submitted that the Government cannot adopt two methods in imposing the punishment.

4. Per contra, while taking this Court through the counter affidavit filed by the respondents, learned counsel for the respondents vehemently contended in unison that the original authority had passed the order of termination from service and the fourth respondent had confirmed the same in the appeal and in the revision petition also, which was dismissed.

5. The respondents pointed out that the writ petitioner, having been superannuated from service, a direction may be issued to the respondents to modify the punishment of termination from service into one of compulsory retirement.

6. In view of the above submission, now made by the learned counsel for all the



respondents, a direction is hereby issued to the respondents to modify the punishment of termination imposed on the petitioner to the one of compulsory retirement from service and settle all the retirement benefits to the petitioner on par with the other four persons, within a period of 12 weeks from the date of receipt of a copy of this order, or on production of web-copy of this order, whichever is earlier.

7. With the above direction, the present Writ Petition is allowed as prayed for. There shall be no order as to costs. Consequently, the miscellaneous petition is closed.

17-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Principal Secretary to
Government, Co-operation, Food and Consumer Department, Government of
Tamil Nadu, Secretariat, Chennai-600 009.

2. The Secretary to Government
Co-operation, Food and Consumer Department, Government of Tamil Nadu,
Secretariat, Chennai-600 009.

3. The Additional Registrar of
Co-operative Societies, Chennai Region, Chennai.

4. The Washermenpet Co-operative Stores Ltd, XNC-589, Rep. by its Special
Officer, No.91/2, P.A.N.Rajarithnam Road, Chennai-600 021.



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N.SENTHILKUMAR, J.

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